

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-268 (1) (RHK/SRN)

Plaintiff,

ORDER

v.

Abdirizak Abdullahi Rage,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 10, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Counts 1, 2 & 3 (Doc. No. 33) is **DENIED WITHOUT PREJUDICE**.

DATED: March 9, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge